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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/617,001

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Daryl E. Anderson

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INTELLECTUAL PROPERTY ADMINISTRATION

FORT COLLINS, CO 80527-2400

EXAMINER

DAILEY, THOMAS J

ART UNIT

PAPER NUMBER

2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/617,001

Applicant(s)

ANDERSON ET AL.

Examiner

Thomas J. Dailey

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-38 are pending in this application.

#### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: on line 3 it recites, "no more that." It should read "than." Appropriate correction is required.
3. Claim 21 is objected to because of the following informalities: on line 2 it recites, "indication can to the user." "Can" should be omitted. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 38 is rejected under 35 U.S.C.101 because the claimed invention is directed to non-statutory subject matter.
6. As provided on page 7, lines 5-10, of the specification, a computer readable medium could be interpreted to include transmission media, including coaxial cables, copper wire, fiber optics, wires that constitute a bus, and acoustic and light waves that are generated during radio wave communications. Claims drawn

to components involving signals encoded with functional descriptive material do not fall within any of the categories of statutory subject matter as set forth in 35 U.S.C. 101, and are therefore, ineligible for protection.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. The term "approximately " in claim 3 is a relative term which renders the claim indefinite. The term "approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claim will be interpreted as keeping bandwidth consumption below a certain point.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2152

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-12, 17-27, 29-36, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Laube (US Pat. No. 4,653,086).

12. As to claim 1, Laube discloses a method for transmitting graphical data via a communication line (Abstract), comprising:

generating graphical data representative of a user input (column 6, lines 64-66);

buffering the graphical data in memory (column 6, line 66-column 7, line 1);  
and

transmitting portions of the graphical data over the communication line to a remote device (column 7, lines 1-10 and column 5, lines 45-47) at a controlled rate that does not exceed a predetermined maximum data transfer rate at which a bandwidth of the communication line would be exceeded (column 5, lines 47-52).

13. As to claim 6, Laube a method for transmitting graphical data via a communication line, comprising:

generating graphical data representative of a user input (column 6, lines 64-66);

identifying discrete data points of the generated graphical data (column 6, line 66-column 7, line 1, extracted coordinate values read on "discrete data points");  
and

transmitting only the identified discrete data points over the communication line to a remote device (column 7, lines 1-10 and column 5, lines 45-47) such less than all of the generated graphical data is transmitted so as to not exceed a bandwidth of the communication line (column 5, lines 47-52).

14. As to claim 17, Laube discloses a method for transmitting graphical data via a communication line (Abstract), comprising:

generating graphical data representative of a user input (column 6, lines 64-66);

identifying a reference data point (column 6, line 66-column 7, line 1, any extracted coordinate value reads on "a reference point");

transmitting information that describes the reference data point via the communication line (column 7, lines 1-10 and column 5, lines 45-47);

identifying coordinates of a further data point that identify the location of the further data point relative to the reference data point (column 6, line 66-column 7, line 1); and

transmitting the coordinates to another device via the communication line (column 7, lines 1-10 and column 5, lines 45-47).

15. As to claim 24, Laube a system for sharing graphical data via a communication line (Abstract), comprising:

- means for receiving voice data (column 1, lines 60-63);
- means for generating graphical data representative of a user input entered into a touch-sensitive display (column 6, lines 64-66); and
- means for simultaneously transmitting the voice data and information representative of the generated graphical data via the communication line such that a bandwidth of the communication line is not exceeded (column 5, lines 45-53).

16. As to claim 29, Laube discloses a sketchpad device (Fig. 1), comprising:

- a processing device (Fig. 2, label 76);
- an input device that is configured to receive voice data (Fig. 2, label 90 and column 5, lines 45-53);
- a user interface with which a user can input information (Fig. 2, label 30);
- an output device that is configured to transmit data (Fig. 2, label 90 and column 5, lines 45-53); and
- memory that includes a sketch program that identifies user input entered via the user interface and that generates graphical data representative of the user input (column 6, line 66-column 7, line 1), and a
- transmission control manager that is configured to, via the output device, simultaneously transmit the voice data and information representative of the

generated graphical data via a communication line such that a bandwidth of the communication line is not exceeded (column 5, lines 34-53).

17. As to claim 38, it is rejected by the same rationale set forth in claim 24's rejection.

18. As to claims 2, 7, and 18, Laube discloses generating graphical data comprises generating graphical data representative of a line entered using a touch-sensitive display (Fig. 4, and column 6, line 64-column 7, line 1).

19. As to claim 3, Laube discloses transmitting portions of the graphical data to such that no more than approximately 2 kilobits of graphical data is transmitted per second (column 5, lines 45-52 , *See 112 2<sup>nd</sup> Paragraph rejection for the interpretation of this claim*).

20. As to claim 4, Laube discloses receiving voice data input via a telephone (Fig. 1 and column 1, lines 60-63).

21. As to claims 5, 12, 20, and 31, Laube discloses simultaneously transmitting the voice data over the communication line along with the portions of graphical data (column 5, lines 45-53).



22. As to claim 8, Laube discloses identifying data points on a periodic basis in which a data point is identified for every predetermined period during user input (column 6, line 64-column 7, line 1).

23. As to claim 9, Laube discloses identifying discrete data points comprises identifying data points on a line length basis in which a data point is identified for every predetermined length of user input (column 5, lines 1-7, distance between "the coordinates" is the predetermined length).

24. As to claims 10, 26, and 35, Laube discloses buffering the generated graphical data and identifying new discrete data points that are positioned between the previously identified data points and transmitting the new data points over the communication line (column 6, line 64-column 7, line 5, "redundancy reduction" will only send newly identified points).

25. As to claim 11, Laube discloses repeating the steps of claim 10 in an iterative process (column 6, line 64-column 7, line 5, the process is clearly continuous until the phone is hung up, column 7, lines 30-33).

26. As to claim 19, 27, and 36, Laube discloses identifying a new reference data point (column 5, lines 1-7), transmitting information that describes the new reference data point via the communication line (column 5, lines 7-10), identifying

coordinates of another data point that identify the location of the other data point relative to the new reference data point (column 5, lines 1-7, occurs again when the pen is moved), and transmitting the coordinates via the communication line (column 5, lines 7-10).

27. As to claim 21 and 33, Laube discloses providing an indication can to the user entering the input that communicates what portion of the input has been transmitted or is currently visible to a recipient (column 6, lines 64-66, what is displayed for the user displayed for the recipient).

28. As to claim 22, Laube discloses providing an indication comprises showing a portion of the input in at least one of a different color (Fig. 4, and column 6, line 64-column 7, line 1), a different grayscale, and a different line thickness.

29. As to claim 23, Laube discloses comprising removing the indication after passage of a period of time (column 7, lines 30-33, when the phone is hung up, the writing is erased).

30. As to claim 25, it is rejected by the same rationale set forth in claim 1's rejection.

31. As to claim 30, Laube discloses the input device comprises a telephone jack (Abstract, lines 1-5).

32. As to claim 32, Laube discloses the output device comprises a modem (column 5, lines 45-52).

33. As to claim 34, it is rejected by the same rationale set forth in claim 1's rejection.

34. Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kishimoto et al (US Pat. No. 4,597,101), hereafter "Kishimoto."

35. As to claim 13, Kishimoto discloses a method for displaying graphical data (Abstract), comprising:

receiving via a communication line discrete data points that represent graphical data (column 10, lines 8-23);

generating line segments that connect the discrete data points (Fig. 4, and column 7, lines 55-68, and "difference vectors" (column 2, lines 15-25) read on "line segments"); and

displaying the line segments such that a resultant line is shown that comprises the line segments and that represents a user input entered into another device (Fig. 4 and column 3, lines 59-65).

36. As to claim 14, Kishimoto discloses receiving via the communication line new discrete data points that are positioned between the previously received discrete

Art Unit: 2152

data points (column 10, lines 14-20, "coding procedures are repeated every time..." will create the new data points), generating new line segments that connect the new received data points (column 10, lines 14-20, "coding procedures are repeated every time..." will create the new line segments), and displaying the new line segments such that a new resultant line is shown (Fig. 4).

37. As to claim 15, Kishimoto discloses repeating the steps of claim 14 in an iterative process (column 10, lines 14-20, "coding procedures are repeated every time...").

38. As to claim 16, Kishimoto discloses receiving voice data simultaneous to receiving the discrete data points (column 2, lines 3-9).

### ***Claim Rejections - 35 USC § 103***

39. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

40. Claims 28 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laube as applied to claims 24 and 29, in view of Kishimoto.

41. As to claim 28 and 37, Laube discloses receiving via the communication line discrete data points that represent graphical data (column 6, line 64-column 7, line 1).

Laube does not disclose means for generating line segments that connect the discrete data points, and means for displaying the line segments such that a resultant line is shown that comprises the line segments and that represents a user input entered into another device.

However, Kishimoto discloses receiving via the communication line discrete data points that represent graphical data (column 10, lines 8-23), means for generating line segments that connect the discrete data points (Fig. 4, and column 7, lines 55-68, and "difference vectors" (column 2, lines 15-25) read on "line segments"), and means for displaying the line segments such that a resultant line is shown that comprises the line segments and that represents a user input entered into another device (Fig. 4 and column 3, lines 59-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Laube and Kishimoto in order to more efficiently encode the graphical data thereby decreasing bandwidth requirements (Kishimoto, column 2, lines 3-14).

**Conclusion**


42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
TJD

1/29/2007

  
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SUPERVISORY PATENT EXAMINER